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West Des Moines City Council Proceedings
Monday, May 15, 2017

Mayor Steven K. Gaer opened the regularly scheduled meeting of the City Council of West Des Moines, Iowa, in the Council Chambers of the West Des Moines City Hall on Monday, May 15, 2017 at 5:30 PM. Council members present were: J. Sandager, K. Trevillyan, and R. Trimble. Council member R. Messerschmidt participated via telephone.

On Item 1. Agenda. It was moved by Trimble, second by Sandager approve the agenda as presented.

Vote 17-258: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 2. Public Forum

Kathy Dehnert, 1935 Ashworth Road, requested that the City Council continue to prohibit the use of fireworks in the City, citing safety concerns. As a nurse, she has seen many serious injuries and burns as a result of fireworks.

Jeff Westendorf, the managing agent for Bridgewood Association, Inc., requested for The Parkways development, that the surrounding residents be given opportunities to provide input on any proposed site plans within that development.

Dallas Scharff, 280 South 79th Street, Unit 1003, requested that the City Council continue to prohibit the use of fireworks in the City, citing safety concerns.

On Item 3. Council/Manager/Other Entities Reports:

Council member Sandager reported he participated in the Mayor's Bike Ride on May 13th, which was a successful event. He also attended a meeting of the West Des Moines Water Works Board of Trustees, where discussion was held on a Waukee-West Des Moines water source availability study. He reported the board approved the installation of a test well, which is expected to gather information needed for future water allocation permitting.

Council member Trevillyan reported the City is working on a plan to retain the playgrounds on the Phenix Elementary property by relocating them onto the lots that are expected to be retained by the City as greenspace. He also suggested renaming those greenspace lots the Nellie Phenix Pocket Park.

On Item 4. Consent Agenda.

It was moved by Messerschmidt, second by Trimble to approve the consent agenda as presented.

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- a. Approval of Minutes of May 1, 2017 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 - 1. Tasting Station Restaurant Group, LLC d/b/a BeerStyles Gastropub & Taproom/SALT of the Hearth, 5513 Mills Civic Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - New
 - 2. Biaggi's Ristorante Italiano, LLC d/b/a Biaggi's Ristorante Italiano, 5990 University Avenue - Class LC Liquor License with Carryout Wine, Sunday Sales and Catering Privileges - Renewal
 - 3. BBMG Mills Civic Parkway, LLC d/b/a Draught House 50, 6420 Mills Civic Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 - 4. Drury Development Corporation d/b/a Drury Inn & Suites, 5505 Mills Civic Parkway - Class LB Liquor License with Sunday Sales - Renewal
 - 5. Turkey Brothers, Inc. d/b/a Fire Creek Grill, 800 South 50th Street - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 - 6. Kineth Hotel Corporation d/b/a Homewood Suites, 6220 Stagecoach Drive - Class BW Permit with Carryout Wine, Sunday Sales, Living Quarters, and Outdoor Service - Renewal
 - 7. Hy-Vee, Inc., d/b/a Hy-Vee Clubroom, 555 South 51st Street, Clubroom Area - Class BW Permit with Sunday Sales - Renewal
 - 8. Hy-Vee, Inc. d/b/a Hy-Vee Food Store #1, 1700 35th Street - Class LE Liquor License with Carryout Wine, Carryout Beer and Sunday Sales - Renewal
 - 9. Kum & Go, LC d/b/a Kum & Go #8, 1293 8th Street - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
 - 10. Kum & Go, LC d/b/a Kum & Go #50, 745 South 51st Street - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
 - 11. Kum & Go, LC d/b/a Kum & Go #74, 141 South Jordan Creek Parkway - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
 - 12. Kum & Go, LC d/b/a Kum & Go #2091, 5969 Ashworth Road - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
 - 13. RTI Holdings, LLC d/b/a R Taco, 9500 University Avenue, Suite 2109 - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - New
 - 14. Pool IV TRS, LLC d/b/a Sheraton West Des Moines, 1800 50th Street - Class LB Liquor License with Carryout Wine, Sunday Sales, Outdoor Service and Catering Privileges - Renewal
 - 15. Walgreen Co. d/b/a Walgreens #6623, 1660 22nd Street - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
 - 16. Walgreen Co. d/b/a Walgreens #6677, 4900 Mills Civic Parkway - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
 - 17. Walgreen Co. d/b/a Walgreens #6678, 1999 Grand Avenue - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal

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18. Wal-Mart Stores, Inc. d/b/a Wal-Mart Supercenter #3762, 6365 Stagecoach Drive - Class LE Liquor License with Carryout Wine, Carryout Beer and Sunday Sales - Renewal
19. The Wine Experience at Jordan Creek, LC d/b/a The Wine Experience at Jordan Creek, 101 Jordan Creek Parkway, Suite 12518 - Six-Month Class BW Permit with Sunday Sales and Outdoor Service - New
- d. Approval of Orders for Violations of Alcohol Laws
- e. Approval of Lane Closure for Special Event - Mustang Ford Show, June 4, 2017
- f. Approval of Appointment - Library Board of Trustees
- g. Approval of Professional Services Agreement - Legal and Consulting Services - Brick Gentry P.C.
- h. Approval of Exaction Policy
- i. Order Construction:
 1. SE Waco Place/98th Street and University Avenue Traffic Signal
 2. Valley View Park Tennis Courts
- j. Accept Work - South 8th Street Improvements, White Crane Road to County Line Road
- k. Approval of Professional Services Agreement - Fox Creek Trunk Sewer Extension, Annual Tree Monitoring
- l. Authorize Construction of Public Improvements - Iowa Highway 28 Deceleration Lane
- m. Approval of Memorandum of Understanding - Iowa Department of Transportation, Motor Vehicle Division
- n. Approval of Resubmitted 28E Agreement - North and Middle River Watershed Management Authority
- o. Approval and Acceptance of Lot Tie Agreement and Sanitary Sewer Easement - The Flats, 3000 University Avenue
- p. Approval and Acceptance of Purchase Agreement, Deed and Easement - Ashworth Road Improvements Project - Phase 1
- q. Approval of Proclamations:
 1. National Public Works Week, May 21-27, 2017
 2. Proclamation of Recognition - David Edelstein

Vote 17-259: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 5(a) Bridgewood, generally located at the southwest and northwest corners of Jordan Creek Parkway and Bridgewood Boulevard - Amend the Planned Unit Development (PUD) to Remove Language Regarding Landscape Maintenance, initiated by Bridgewood Association, Inc.

It was moved by Sandager, second by Trimble to consider the third reading of the ordinance.

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Vote 17-260: Messerschmidt, Sandager, Trimble ... 3 yes
Trevillyan ... 1 no

Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Sandager, second by Trimble to approve the third reading and adopt the ordinance in final form.

Vote 17-261: Messerschmidt, Sandager, Trimble ... 3 yes
Trevillyan ... 1 no

Motion carried.

On Item 5(b) Bridgewood Square, northwest corner of Jordan Creek Parkway and Bridgewood Boulevard - Amend the Development Regulations for Parcel M within the Bridgewood Planned Unit Development (PUD), initiated by Bridgewood Commercial, LLC

It was moved by Trimble, second by Messerschmidt to consider the second reading of the ordinance.

Vote 17-262: Messerschmidt, Sandager, Trimble ... 3 yes
Trevillyan ... 1 no

Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trimble, second by Messerschmidt to approve the second reading of the ordinance.

Vote 17-263: Messerschmidt, Sandager, Trimble ... 3 yes
Trevillyan ... 1 no

Motion carried.

It was moved by Trimble, second by Messerschmidt to waive the third reading and adopt the ordinance in final form.

Vote 17-264: Messerschmidt, Sandager, Trimble ... 3 yes
Trevillyan ... 1 no

Motion carried.

On Item 5(c) The Parkways, northwest corner of South Jordan Creek Parkway and Mills Civic Parkway - Approval of a Specific Plan Ordinance to Allow a Mix of Commercial and Office Uses, initiated by the Hurd Parkways, LLC

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It was moved by Trimble, second by Messerschmidt to consider the second reading of the ordinance.

Vote 17-265: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trimble, second by Messerschmidt to approve the second reading of the ordinance.

Vote 17-266: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

It was moved by Trimble, second by Messerschmidt to waive the third reading and adopt the ordinance in final form.

Vote 17-267: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(a) Mayor Gaer indicated this was the time and place for a public hearing to consider Amendment to City Code - Title 9 (Zoning), Chapter 4 (Zoning Districts and Map) and Chapter 9 (Planned Unit Development District) - Modify Definitions and Regulations Pertaining to The Acreage Requirements for Planned Unit Development Districts, initiated by the City of West Des Moines (continued from May 1, 2017). He asked for the date the notice was published and the City Clerk indicated the notice was published on April 14, 2017 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 4-0, with three members absent, the Plan and Zoning Commission recommended City Council approval of the ordinance amendment.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Sandager, second by Trimble to consider the first reading of the ordinance.

Vote 17-268: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Sandager, second by Trimble to approve the first reading of the ordinance.

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Vote 17-269: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(b) Mayor Gaer indicated this was the time and place for a public hearing to consider Greenway Crossing, south of Bishop Drive between 90th Street and 92nd Street - Amend the Planned Unit Development (PUD) Parcel H Setbacks to Allow 30-foot Front Yard Setbacks, initiated by Gregg Gustafson. He asked for the date the notice was published and the City Clerk indicated the notice was published on April 28, 2017 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 4-0, with three members absent, the Plan and Zoning Commission recommended City Council approval of the PUD amendment.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trimble, second by Messerschmidt to consider the first reading of the ordinance.

Council member Trimble inquired what the City can do to prevent future cases of structures being constructed out of compliance with the setback requirements.

Lynne Twedt, Development Services Director, responded the only way to prevent it would be for the City to require the setbacks be staked out by the engineer before issuing permits to dig footings and foundations and staff to do a site visit to confirm compliance. She noted this case was a result of a staff error, as the discrepancy wasn't caught between the PUD and the site plan drawings.

Vote 17-270: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trimble, second by Messerschmidt to approve the first reading of the ordinance.

Vote 17-271: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(c) Mayor Gaer indicated this was the time and place for a public hearing to consider Glen Oaks Buffer Vacation, 5968, 5946, 5924, and 5965 Dogwood Lane and 1365 Tulip Tree Lane - Vacate a 30 ft. Rear Yard Buffer Park Easement, initiated by Glen Oaks Owners Association. He asked for the date the notice was published and the City Clerk indicated the notice was published on April 28, 2017 in the Des Moines Register. Mayor Gaer asked if any

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written comments had been received. The City Clerk stated on a vote of 4-0, with three members absent, the Plan and Zoning Commission recommended City Council approval of the vacation request.

It was moved by Trimble, second by Messerschmidt to adopt Resolution - Approval of Vacation.

Vote 17-272: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(d) Mayor Gaer indicated this was the time and place for a public hearing to consider Amendment to City Code - Title 9 (Zoning), Chapter 6 (Commercial, Office and Industrial Zoning District) and Chapter 10 (Performance Standards) - Regulate Hardware Stores in the Neighborhood Commercial District, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on May 3, 2017 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 4-0, with three members absent, the Plan and Zoning Commission recommended City Council approval of the ordinance amendment.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Sandager, second by Messerschmidt to consider the first reading of the ordinance.

Vote 17-273: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Sandager, second by Messerschmidt to approve the first reading of the ordinance.

Vote 17-274: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(e) Mayor Gaer indicated this was the time and place for a public hearing to consider 2016-17 FY Operating and Capital Budget - Amendment #6, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on May 5, 2017 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

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It was moved by Trimble, second by Trevillyan to adopt Resolution - Approval of Budget Amendment #6.

Vote 17-275: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(f) Mayor Gaer indicated this was the time and place for a public hearing to consider 2017 HMA Resurfacing Program, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on May 5, 2017 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trimble, second by Sandager to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Des Moines Asphalt & Paving.

Vote 17-276: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(g) Mayor Gaer indicated this was the time and place for a public hearing to consider City Hall Exterior Renovations, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on May 5, 2017 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trevillyan, second by Messerschmidt to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Ball Team, LLC.

Brian Hemesath, Interim City Engineer, responded to questions from the Council about the bids coming in significantly over estimate, stating the building envelope study a couple years ago revealed some of the City Hall windows were installed incorrectly, so the bidders are assuming all the windows will need to be reinstalled and built that into their pricing.

Mayor Gaer inquired if it would be possible to bring back the original contractor and the consultant that was hired to oversee the project to have them participate in the investigation.

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City Attorney Dick Scieszinski stated staff could explore that option if the Council were to defer action on this item to the May 30, 2017 meeting.

Council member Trevillyan rescinded his original motion, and Council member Messerschmidt rescinded his second to the original motion.

It was moved by Trimble, second by Sandager to continue Item 6(g) City Hall Exterior Renovations to May 30, 2017.

Vote 17-277: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(h) Mayor Gaer indicated this was the time and place for a public hearing to consider 2017 Concrete Trail Renovation Project, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on May 5, 2017 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trimble, second by Trevillyan to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Tricrete Construction.

Council member Trimble inquired, since the bid came in significantly under the estimate, what the remaining funds from this account could be used for.

Sally Ortgies, Parks and Recreation Director, responded the asphalt trail renovation project will be paid from the same account, so after that project is bid, any remaining funds could be used for additional concrete trail repairs.

Mayor Gaer inquired if it's unusual to have concrete trails fail within ten years of construction, such as the trails on the Wells Fargo campus.

Ms. Ortgies responded some concrete trails constructed around that time were five-inch non-reinforced concrete, but all new concrete rails being constructed are six-inch reinforced concrete.

Vote 17-278: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 7(a) The Parkways, northwest corner of South Jordan Creek Parkway and Mills Civic Parkway - Approval of a Preliminary Plat to Subdivide Property into Five Lots for Commercial

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Development, Two Outlots, and Four Street Lots, initiated by Hurd Parkways, LLC

Mayor Gaer inquired about the possibility of providing opportunities for public input on any site plans that come forward within this development, as Mr. Westendorf requested.

Lynne Twedt, Development Services Director, responded that for town center overlay district site plans, staff distributes them to the Plan and Zoning Commission and City Council for review, and if two or more members call it forward, then it will come to a regular meeting as a regular item, but not as a public hearing item. Since it would not be a public hearing, notices would not be distributed to the surrounding property owners.

The Council members held discussion on the most appropriate method for providing public input opportunities in this case, and they requested that staff notify a representative for the neighboring residents when any site plan for this development is included on a public meeting agenda.

It was moved by Trimble, second by Trevillyan to adopt Resolution - Approval of Preliminary Plat, subject to the applicant complying with all applicable City Code requirements.

Vote 17-279: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 7(b) Woodland Hills of West Des Moines Plat 3, west side of South 91st Street, 550 ft. south of Cascade Avenue - Subdivide the Property into 14 Postage Stamp Lots for Construction of a Detached Townhome Development, initiated by Kimberly Development Corporation, LLC

It was moved by Trimble, second by Trevillyan to adopt Resolution - Approval of Preliminary Plat and Site Plan, subject to the applicant complying with all applicable City Code requirements and the conditions of approval listed in the Resolution.

Vote 17-280: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 7(c) Woodland Hills of West Des Moines Plat 4, south side of Cascade Avenue, 840 feet west of South 91st Street - Subdivide the Property into Nine Postage Stamp Lots for Construction of a Detached Townhome Development, initiated by Kimberly Development Corporation, LLC

It was moved by Trimble, second by Messerschmidt to adopt Resolution - Approval of Preliminary Plat and Site Plan, subject to the applicant complying with all applicable City Code requirements and the conditions of approval listed in the Resolution.

Vote 17-281: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

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On Item 7(d) Whisper Rock at Quail Cove, north of Cherrywood Drive and west of South 50th Place - Approval of Revised Preliminary Plat Landscaping Plan and Approval of Extension of Entitlement, initiated by Prairie Building and Development

It was moved by Trimble, second by Messerschmidt to adopt Resolution - Approval of Revised Preliminary Plat Landscape Plan and Resolution - Approval of Extension of Entitlement, subject to the applicant complying with all applicable City Code requirements.

Council member Trimble requested clarification on this item.

Lynne Twedt, Development Services Director, reported this development was originally zoned medium-density for townhomes, then it was proposed to be townhomes on postage-stamp lots, then it was proposed to be single-family homes on postage-stamp lots, and now the applicant has brought it forward as single-family homes on regular-sized single-family lots.

Vote 17-282: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 7(e) Hawthorne Centre East Patio, 9500 University Avenue - Install Patio on the East Side of Building, initiated by Hawthorne Plaza, LLC

Mayor Gaer requested clarification on the outstanding issues related to this item.

Lynne Twedt, Development Services Director, reported the applicant is requesting approval to install an outdoor patio on this site that would encroach onto the existing six-foot sidewalk, which would leave only two to three feet between the curb and the patio boundary. Both staff and the Plan and Zoning Commission have recommended approval of the proposed patio so that it maintains the six-foot sidewalk around this multi-tenant building to allow pedestrian access throughout.

Bob Gibson, Civil Design Advantage, representing the applicant, stated the additional two feet of patio would make a significant difference to Barn Town Brewing in allowing their desired layout of tables within the patio. He noted if this site had originally been landscaped with head-in parking, the sidewalk would not have been required and there would be no issue today with expanding the patio. He also stated there are multiple ADA parking stalls with adequate access to the building, and the patio would be open for pedestrians to pass through, so he does not believe the six-foot sidewalk would be critical for this site.

Council members Trevillyan and Trimble expressed concerns that the proposed request would remove a sidewalk that currently provides ADA accessibility.

Council member Trimble stated he would be comfortable supporting the proposed request if the applicant were to have someone from the Iowa Office of Persons with Disabilities review it and

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have no issues with the change.

Pete Faber, owner of Barn Town Brewing, noted the proposed patio would provide pedestrian access throughout, because there will be a garage door open during business hours and the tables in the patio will be spaced far enough apart to allow ADA accessibility throughout.

It was moved by Trimble, second by Trevillyan to continue Item 7(e) Hawthorne Centre East Patio Minor Modification to May 30, 2017.

Mr. Gibson stated the applicant would prefer to have the smaller patio approved tonight, rather than seek the larger patio and wait two more weeks.

Mr. Faber inquired if he has the smaller patio approved tonight, would it be possible to expand the patio at a later date after he has done research with the Iowa Office of Persons with Disabilities.

Ms. Twedt responded yes, that request would come through the process as another minor modification to the site.

Council member Trimble rescinded his original motion, and Council member Trevillyan rescinded his second to the original motion.

It was moved by Sandager, second by Trevillyan to adopt Resolution - Approval of Minor Modification, subject to the applicant complying with all applicable City Code requirements and the conditions of approval listed in the Resolution.

Vote 17-283: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 7(f) Amendment to City Code - Title 7 (Public Ways and Property), Chapter 8 (Sewer Regulations) - Quail Park/Thornwood and Ashworth Road Grinder Pump Service, initiated by the City of West Des Moines

It was moved by Trimble, second by Messerschmidt to consider the first reading of the ordinance.

Council member Trevillyan expressed concerns about the City taking responsibility for the maintenance of these grinder pumps, because the residents in these areas requested the pumps, knowing it would be their responsibility to maintain them when issues arise. He doesn't feel it would be fair to the rest of the sewer rate paying citizens if the City were to accept this responsibility that would only benefit these neighborhoods.

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Council member Trimble expressed support for the arrangement, because the grinder pumps were installed at the request of several individuals that did not represent the entire neighborhood, and he stated there is a provision that the City will not pay for issues that arise from gross negligence by a resident. He noted there are other areas around the Des Moines metro where the residents have grinder pumps with a similar arrangement to be maintained by the cities.

Council member Trevillyan stated the City will not be able to identify cases of gross negligence, because he expects that when failed pumps need to be replaced, they will not be disassembled for inspection to identify the cause.

Council member Sandager inquired about the costs difference between the different types of sewer systems.

Kevin Hensley, Public Services Superintendent, responded the preliminary estimate provided to retrofit the current low pressure system to a gravity system would be approximately \$1 million. He did not have information available on the original cost to construct the grinder pump system.

Council member Trimble noted it would likely have been more expensive for the City had it originally installed a gravity sewer system than the proposed arrangement would be.

Council member Trevillyan stated he believes the low pressure system with grinder pumps was the cheaper option for the residents, but the tradeoff was they would be responsible for the maintenance when their grinder pumps would fail.

Bob Mitchell, 1621 Greenbranch Circle, stated the cost to the residents would have been exactly the same whether it had been a low pressure system with grinder pumps or a gravity system. The residents chose the low pressure system because they had been told by City staff that the gravity system would have required 40-foot wide swaths of trees to be cut down.

Mr. Hensley responded to questions from the Council, stating the City has had a total of 16 grinder pump issues reported, of which 12 were resolved under warranty. Three of the issues were diagnosed as resulting from improper use. He also stated there are a total of 19 grinder pumps connected to the City's sewer system, with nine of them having had reported issues.

The Council members held discussion on how to address this issue, and suggested that the item be continued to allow for further discussion at an upcoming Finance and Administration Subcommittee meeting.

Council member Trimble rescinded his original motion, and Council member Messerschmidt rescinded his second to the original motion.

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It was moved by Trimble, second by Messerschmidt to continue item 7(f) Amendment to City Code - Grinder Pump Service indefinitely for further review by the Finance and Administration Subcommittee.

Vote 17-284: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 8(a) Cascades at Jordan Creek, generally located at the southwest corner of South 81st Street and Cascade Avenue - Zone Property to Residential Medium Density Consistent with the Comprehensive Plan Land Use Map - City Initiated - Referred to Plan and Zoning

On Item 8(b) Raccoon River Quarries, generally located south of Raccoon River Drive and west of South 88th Street - Amend the Planned Unit Development (PUD) Portion Located at 10050 Raccoon River Drive (Martin Marietta Materials) to Modify the Extraction Setback on the West Side of the Property to Further Restrict Mining in Order to Better Accommodate the Future Widening of South Grand Prairie Parkway - City Initiated - Referred to Plan and Zoning

On Item 8(c) Amendment to City Code - Title 9 (Zoning) - Establish Regulations Related to the Sale of Fireworks within Permanent Buildings and Temporary Structures - City Initiated - Referred to Plan and Zoning

On Item 9 - Other Matters: none

The meeting was adjourned at 7:22 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Steven K. Gaer, Mayor